

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOANITA ADAMS,)
v. Plaintiff,)
CITY OF FEDERAL WAY, *et al.*,)
Defendants.)
No. C11-0995RSL
ORDER GRANTING IN PART
FEDERAL WAY DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

This matter comes before the Court on the “Motion for Summary Judgment” filed by defendants Larson, Schmidt, Sant, Arthur, and Duclos (hereinafter, “the Federal Way Defendants”).¹ Dkt. # 52. The Federal Way Defendants argue that they are immune from suit under various common law doctrines and statutes. Plaintiff has not responded. Pursuant to Local Civil Rule 7(b)(2), “[i]f a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.” Nevertheless, the Court has reviewed the Federal Way Defendants’ motion, declaration, and exhibits, as well as the remainder of the record, and finds as follows:

(1) Federal Way Municipal Court Judge David Larson is entitled to absolute

¹ The motion does not address plaintiff's claims against the City of Federal Way, defendant Zumwalt, or defendant Crawford.

**ORDER GRANTING IN PART
FEDERAL WAY DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

1 judicial immunity from suit. His conduct, as recited in plaintiff's complaint, involved judicial
2 action in a matter properly pending before the Municipal Court.

3 (2) Federal Way Prosecuting Attorneys Candice Duclos and Stephanie Arthur are
4 also entitled to absolute immunity from suit. Their conduct, as recited in plaintiff's complaint,
5 consisted of initiating and pursuing the prosecution, functions that fall well within the scope of
6 prosecutorial immunity.

7 (3) Federal Way Officers Schmidt and Sant are entitled to common law and
8 statutory immunity from plaintiff's state law claims. Plaintiff has not alleged any facts giving
9 rise to a plausible inference of bad faith or malice on the part of the officers. Defendants
10 Schmidt and Sant do not address plaintiff's § 1983 claim, however, and have not shown that they
11 are entitled to qualified immunity under federal law or that the state law immunities on which
12 they rely apply to plaintiff's federal claim.

13 For all of the foregoing reasons, the Federal Way Defendants' unopposed motion
14 for summary judgment is GRANTED in part and DENIED in part. Plaintiff's claims against
15 defendants Larson, Arthur, and Duclos are DISMISSED. Plaintiff's state law claims against
16 defendants Schmidt and Sant are also DISMISSED. Plaintiff's federal claims against defendants
17 Schmidt and Sant may proceed.

19 Dated this 3rd day of February, 2012.

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21 Robert S. Lasnik
22 United States District Judge

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